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In the

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1967

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No. 8 Miscellaneous

STEPHEN S. CHANDLER,
UNITED STATES DISTRICT JUDGE
FOR THE WESTERN DISTRICT OF OKLAHOMA,
Petitioner,

VERSUS

JUDICIAL COUNCIL OF THE TENTH CIRCUIT
OF THE UNITED STATES,
Respondent.

ON PETITION FOR WRIT OF PROHIBITION AND/OR MANDAMUS

MOTION TO ADVANCE CASE

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GEORGE, KENAN, ROBERTSON & LINDSEY

June 3, 1969

UTTERBACK TYPESETTING CO., 519 W. CALIF., OKLAHOMA CITY, PH. CE 5-0030

In the
Supreme Court of the United States
OCTOBER TERM 1967

No. 3 Miscellaneous

STEPHEN S. CHANDLER,
UNITED STATES DISTRICT JUDGE
FOR THE WESTERN DISTRICT OF OKLAHOMA,
Petitioner,

VERSUS

JUDICIAL COUNCIL OF THE TENTH CIRCUIT
OF THE UNITED STATES,
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ON PETITION FOR WRIT OF PROHIBITION AND/OR MANDAMUS

MOTION TO ADVANCE CASE

Petitioner moves the Court to advance on its docket his Petition for Writ of Prohibition and/or Mandamus. Such Petition was filed with the Court on January 6, 1966. *Chandler* v. *Judicial Council,* No. 1111, October Term, 1965.

ARGUMENT

Petitioner, in his Petition for Writ of Prohibition and/or Mandamus, prayed that a writ of prohibition and/or mandamus issue to restrain the Respondent from taking the action against him set forth in Respondent's Order of December 13, 1965. Such Order effectively stripped the Petitioner of his judicial powers. It was entered secretly, without notice, without hearing or trial, without jurisdiction, without a semblance of due process, without any basis whatever in fact or in law.

For more than three years the Respondent's only response has been an attempt to delay decision by the Court or moot the action. By subsequent orders, the Respondent first superseded and then vacated its Order of December 13, 1965. These subsequent orders were designed to accomplish three purposes:

1. Remove from this controversy the Respondent's original reliance upon 28 U.S.C. § 332, 62 Stat. 902;
2. Substitute 28 U.S.C. § 137, 62 Stat. 897 as the authority for the Respondent's actions;
3. Make it appear that the matter is moot.

Under Respondent's renewed threat of itself dividing the new business and assigning the cases in the Western District of Oklahoma (under the authority of 28 U.S.C. § 137, 62 Stat. 897, and under the supposition that a disagreement existed in Petitioner's court concerning the division of business and assignment of cases), the Petitioner and the other district judges in the Western District of Oklahoma agreed to maintain the status quo, pending disposition of this case by this Court. The status quo involved the Petitioner's being assigned no new cases, since this had been the result of the Respondent's various orders.

The Petitioner has awaited action by this Court since January 6, 1966, at the expense of relinquishing his right to have cases assigned to him in his own court. He has borne this expense in order not to moot this case, so important to all federal district judges. Three and a half years have passed. He prays this Court to act.

On September 18, 1967, the Respondent advised the Clerk of the Court that, in effect, the Petitioner's rights

had been restored to him. This is not so. A full explanation of the matters relied upon in Respondent's letter of September 18, 1967, is set forth in the undersigned's letter to the Clerk dated October 4, 1967. Disposition of the case may have been delayed by the failure of the undersigned to furnish sufficient copies of his letter for all members of the Court. Fifteen copies of such letter are attached hereto.

The issues are clear. The Respondent has set up no legal justification for its action. There is no legal defense available to it. All of the relevant facts are before this Court. The Order speaks for itself. Adjudication of the issues is of momentous import to all federal district judges. Do Judicial Councils have the constitutional or statutory authority to discipline district judges? That is the important issue. And the issue has not been mooted, as the Respondent's original order lingers on in the transmuted form of the Petitioner's having no cases assigned to him, as explained above. *United States* v. *W. T. Grant Co., et al.*, 345 U.S. 629, 97 L.Ed. 1303, 73 S.Ct. 894 (1953).

This term of court will soon end. It is respectfully requested that this case, long ripe for decision, be advanced by the Court and that relief be granted immediately.

Respectfully submitted,

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June 3, 1969